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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,319	10/23/2003	Fu Yu Chen		3848

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Fu Yu Chen  
No. 22, Lane 427, Dasheng Street  
Taichung City 408  
Taichung,  
TAIWAN

EXAMINER
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CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/694,319

Applicant(s)

CHEN, FU YU

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 4,8 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Fig. 7 is missing.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1 and 9 are objected to because of the following informalities:

Claim 1 line 7, "groove" should read —grooves—for grammatical reasons.

Claim 9, line 2, delete "two" for clarity.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Powers '536.

The patent to Powers '536 discloses a brush structure (Figs. 1 and 2), comprising an agitator or rotation bar 10 including a plurality of "arc-shaped" strips or plates 16, 16 combined with each other, each of the arc-shaped plates 16, 16 of the rotation bar having two sides each formed with a helical "rim" (i.e., shoulder 40 and ridge 28 form the "rims" in Fig. 3), so that a plurality of helical grooves are formed between the helical rims 40, 28 of the arc-shaped plates of the rotation bar, a plurality of brush strips 30, 30 each mounted in a respective one of the helical grooves of the rotation bar, a plurality of "fixing blocks" defined by the angled sheet pieces 20, 20 (Fig. 2) each mounted in the rotation bar between the arc-shaped plates, and a driving block (not shown but disclosed as conventional as recited in col. 2, lines 24-26) mounted on the rotation bar to rotate the rotation bar.

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As for claim 2, the brush structure includes two brush strips (Fig. 2) and the rotation bar includes two opposite arc-shaped plates 16, 16 formed with two helical grooves for mounting the two brush strips 30, 30, as already stated.

As for claim 3, the brush structure also includes three brush strips 30, 30, 30 (Fig. 1; col. 2, lines 26-27) and the rotation bar includes three arc-shaped plates 16, 16, 16 formed with three helical grooves for mounting the three brush strips 30, 30, 30.

As for claim 5, the rotation bar has a tubular shape (Fig. 1).

As for claim 6, each of the helical grooves is extended through a whole length of each of the arc-shaped plates 16, 16 of the rotation bar (Fig. 1).

As for claim 7, each of the brush strips 30, 30 has a helical shape (Fig. 1).

As for claim 9, each of the brush strips 30, 30 has a surface provided with a plurality of bristles.

As for claim 10, each of the brush strips 30, 30 is extended through a whole length of each of the two arc-shaped plates of the rotation bar (Fig. 1).

As for claim 11, each of the fixing blocks 20, 20 has two sides each indirectly fixed on the respective arc-shaped plate of the rotation bar in a welding or spot soldering manner (col. 2, lines 30-32).

As for claim 12, the driving block would have an end formed with a mounting portion which can be bearing 12 or 14 (Fig. 1) mounted in an end of the rotation bar 10, so that the driving block is secured on the rotation bar.

***Allowable Subject Matter***

5. Claims 4, 8 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Tilgner and Gould are relevant to various helical brush arrangements.

7. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744